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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

16 TOCARA INVESTMENTS, *et al.*,)
17 Plaintiffs,) Case No. 2:15-cv-00787-JAD-PAL
18 v.)
19 JEH JOHNSON, Secretary, Department of)
Homeland Security, *et al.*,)
20 Defendants.)
21

STIPULATED REQUEST FOR BRIEFING SCHEDULE

23 Pursuant to LR 16-1(c)(1), Defendants requests that the Court issue a briefing schedule
24 substantially similar to the following:

- 25 1. Motions to amend the pleadings or to add parties shall be filed and served no later than: June 24,
26 2016.

- 1 2. Defendants will file and serve the Certified Administrative Record (“CAR”) by July 25, 2016.
- 2 3. Plaintiffs’ Motion for Summary Judgment (“MSJ”) and Statement of Material Facts (“SMF”)
- 3 shall be filed and served no later than: August 23, 2016.
- 4 4. Defendants’ Opposition to Plaintiffs’ MSJ and Defendants’ Cross-MSJ and SMF shall be filed
- 5 and served no later than: October 24, 2016.
- 6 5. Plaintiffs’ Opposition to Defendants’ Cross-MSJ and Reply in Support of Plaintiffs’ MSJ shall be
- 7 filed and served no later than: November 7, 2016.
- 8 6. Defendants reserve the right to seek this Court’s leave to Reply in support of their Cross-MSJ and
- 9 the Reply shall be filed and served no later than November 14, 2016.
- 10 7. Should Plaintiffs seek a Sur-reply, they may do so only upon motion to this Court and the Sur-
- 11 reply shall be filed and served no later than November 21, 2016.

12 The parties have conferred and have agreed to the proposed schedule.

13 The general rule is that courts are limited to the administrative record when reviewing a final
14 agency action because “the focal point for judicial review should be the administrative record already in
15 existence, not some new record made initially in the reviewing court.” *Camp v. Pitts*, 411 U.S. 138, 142
16 (1973). “There is a strong presumption against discovery into administrative proceedings[.]” *NVE, Inc.*
17 *v. Dep’t of Health & Human Servs.*, 436 F.3d 182, 195 (3d Cir. 2006). The administrative record
18 “consists of all documents and materials directly or *indirectly* considered by agency decision-makers and
19 includes evidence contrary to the agency’s positions.” *Thompson v. U.S. Dep’t of Labor*, 885 F.2d 551,
20 555 (9th Cir. 1989) (emphasis in original). Importantly, “[e]vidence cannot be submitted in the reviewing
21 court and the parties are bound by the evidence in the administrative record.” *Redmond v. United States*,
22 507 F.2d 1007 (5th Cir. 1975). Exceptions to this rule include a necessity to go outside of the
23 administrative record to explain the agency’s actions, “to determin[e] whether the agency has considered
24 all relevant factors or has explained its course of conduct or grounds of decision” or “when it appears the
25 agency has relied on documents or materials not included in the record.” *Animal Def. Council v. Hodel*,
26 840 F.2d 1432, 1436 (9th Cir. 1988) (internal quotations and citations omitted). Here, it is clear from the

1 record that the agency has considered all the relevant issues and has explained the basis for its decision;
2 the agency has not relied on any factors outside of the administrative record. Accordingly, both parties
3 have agreed to no discovery outside of the administrative record.

4 An action for review of an administrative record generally proceeds according to a briefing
5 schedule. *See LR 16-1(c)(1); see also Fed. R. Civ. P. 26(a)(1)(B)(i), 26(f)(1).* Accordingly, Defendants
6 request that the Court issue a briefing schedule substantially similar in form as that proposed above.

7 DATED: April 28, 2016

Respectfully submitted,

8 */s/ Eva Garcia-Mendoza, Esq.*
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19 ATTORNEYS FOR DEFENDANTS

20 IT IS SO ORDERED:

21 
22 UNITED STATES MAGISTRATE JUDGE
23 Dated: May 16, 2016

1 **CERTIFICATE OF SERVICE**

2 I certify that on April 28, 2016, I served a copy of the foregoing Stipulated Request for Briefing
3 Schedule on the attorneys of record by filing this document with the Clerk of the Court through the
4 CM/ECF system, which will provide electronic notice and an electronic link to this document to all
5 attorneys of record.

6 *s/Sairah G. Saeed* _____
7 SAIRAH G. SAEED
Trial Attorney
United States Department of Justice

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